

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRANDON JOHNSON,

Plaintiff,

v.

Case No. 07-C-304

**AMERICAN CYANAMID CO.,
ARMSTRONG CONTAINERS, INC.,
CONAGRA FOODS, INC.,
E.I. DUPONT DE NEMOURS & COMPANY,
MILLENNIUM HOLDINGS, L.L.C.,
N.L. INDUSTRIES, INC.,
ATLANTIC RICHFIELD COMPANY,
SHERWIN-WILLIAMS CO., and
DEPARTMENT OF HEALTH AND FAMILY
SERVICES, STATE OF WISCONSIN,**

Defendants.

ORDER

On March 28, 2007, defendant Atlantic Richfield Company removed this action from state court. In its notice of removal, such defendant asserted that there was complete diversity of citizenship between plaintiff and all properly-joined defendants and that all properly-joined defendants had consented to removal. It noted that there was not diversity of citizenship between plaintiff and defendant Department of Health and Family Services, State of Wisconsin ("DHFS"), but asserted that DHFS had been joined only as a subrogee of plaintiff, and had filed a motion to dismiss disclaiming any interest in the case. Though DHFS filed its motion to dismiss in state court on March 15, 2007, and such motion was filed in federal court on March 28, 2007, plaintiff has not contested such motion. Further, on April 3, 2007, plaintiff filed a consent to removal. As it appears that plaintiff consents to DHFS's dismissal, I will dismiss DHFS without further discussion and thereby assert subject matter jurisdiction over this action.

For the reasons stated above,

IT IS ORDERED that the motion to dismiss filed by Department of Health and Family Services, State of Wisconsin, is **GRANTED**.

IT IS FURTHER ORDERED that Department of Health and Family Services, State of Wisconsin, is dismissed from this action.

Dated at Milwaukee, Wisconsin, this 25th day of April, 2007.

BY THE COURT:

s/Lynn Adelman

LYNN ADELMAN

District Judge